



CITY OF DULUTH
Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL 14-078	Contact	Jenn Reed Moses, jmoses@duluthmn.gov
Application Type	Interim Use Permit	Planning Commission Date	July 8, 2014
Deadline for Action	Application Date	June 6, 2014	60 Days August 5, 2014
	Date Extension Letter Mailed	June 20, 2014	120 Days October 4, 2014
Location of Subject	3339 Oak Street		
Applicant	Greg Kunst	Contact	218-525-4301, greg@gregkunstandsons.com
Agent	N/A	Contact	N/A
Legal Description	PIDs 010-2690-00710, 010-2690-00700		
Site Visit Date	June 24, 2014	Sign Notice Date	June 23, 2014
Neighbor Letter Date	June 24, 2014	Number of Letters Sent	9

Proposal

Applicant would like to operate a "mining, extraction, and storage" use in the RR-1 zone district. Proposed activities include gravel excavation, storage of top soil, limestone, rocks, and blacktop; and screening and crushing of materials for use off-site. Applicant has been operating on this site since they purchased the property in 1995; previous permits lapsed in 1999 and applicant states he was told a subsequent permit was not needed. Under the UDC, this use in the RR-1 district is allowed only as an interim use. Applicant has also significantly expanded the size of the operation from what was permitted in the past.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	RR-1	Gravel Pit	Preservation
North	Lakewood Township	Residential/Business	N/A (Lakewood Township)
South	RR-1	Undeveloped (City of Duluth)	Preservation
East	RR-1	Undeveloped (State of MN)	Preservation
West	RR-1	Undeveloped (City of Duluth)	Preservation

Summary of Code Requirements (reference section with a brief description):

UDC Sec. 50-19.8 - "Mining, extraction, and storage" is an Interim Use in the RR-1 district.
UDC Sec. 50-37.10.B ... Council shall make a decision to adopt, adopt with modifications or deny the application based on the criteria in subsection C below. The ... Council may impose appropriate conditions and safeguards, including but not limited to financial security pursuant to Section 50-37.1.P, a development agreement regarding the design, construction, and operation of the special use, to protect the Comprehensive Land Use Plan, to conserve and protect property and property values in the neighborhood and to ensure that all conditions of the special use permit will continue to met.
UDC Sec. 50-37.10.E ... the Council shall only approve an interim use permit, or approve it with conditions, if it determines that:
1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location or to allow the city time to develop a regulation addressing the potential longer term impacts of the requested use in that location; 2. The applicant agrees to sign a development agreement with the city confirming that (a) approval of the permit will not result in increased costs to the city if the property is later acquired by the city through eminent domain; (b) the use will be terminated at the applicant's expense on the date(s) stated in the permit, (c) the termination of the interim use as stated in the permit will create no rights to a nonconforming use and no rights to compensation for termination of the use or for the value of any structures of improvements related to the use, and (d) the applicant agrees to all conditions imposed by the city. No interim use permit shall be issued until a development agreement confirming these points is executed.

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Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Principle #10 - Take sustainable actions.

Future Land Use - Preservation: Lands with substantial restrictions. High natural resource or scenic value, or severe development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

Staff finds that:

- 1.) Applicant owns property on both sides of the boundary between Duluth and Lakewood Township. In addition to the gravel pit, the applicant's business provides services such as landscaping, excavation, driveway installation, demolition, and snow plowing. This type of business would be classified under the UDC as a "contractor's shop and storage yard," and is not permitted in the RR-1 zone district. Vehicles and equipment used primarily with the contractor's shop will be stored on the Lakewood Township side of the property, and regulated as needed by the township. This interim use permit looks specifically at the use of "mining, extraction, and storage."
- 2.) Applicant proposes that gravel pit and storage operation be limited to the area within the Site Boundaries on the Site Map. Staff has requested that the northeast portion adjacent to Amity Creek be reduced, so that existing parking is moved at least 75' from the stream. A separate application (PL 14-077) covers a special use permit for the shoreland area.
- 3.) In reviewing proposed operations, Staff finds it is reasonable to use the same operating hours used for gravel pits in St. Louis County (7:00 am to 8:00 pm, Monday through Saturday).
- 4.) Primary noise from the site would include vehicle traffic, dump truck gates slamming, backup alarms, a gravel screener, and material crusher. Conditions proposed below would minimize off-site noise impacts.
- 5.) A time limit on this Interim Use is needed to verify that the gravel pit is operating without negative consequences to surrounding residential properties. Given the relatively low volume of materials shown in the areas to be excavated, Staff finds that 10 years is a sufficient time frame to allow for excavation and use of stored materials. Applicant could seek an extension of the Interim Use Permit after the 10 year horizon.
- 6.) A Stormwater Pollution Prevention Plan completed by SEH on June 6, 2014, details stormwater treatment for the site. Staff finds that the proposed excavation and storage will not result in the creation of any hazardous sharp pits, steep banks, soil erosion, drainage, or other conditions. In proposed areas of excavation, approximately 5-10 feet of material will be removed.
- 7.) Applicant has provided a plan for grading and vegetation on the site once the pit is closed. After approval of an interim use permit, applicant will be required to post financial security to ensure compliance with the remediation plan and other conditions of the permit.
- 8.) A neighbor initiated complaints about noise, dust, and odors related to the operation. A second neighbor is supportive of the gravel pit (see attached correspondence). No other public, agency, or City comments were received.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff recommends that Planning Commission recommend approval of the Interim Use Permit for a period of 10 years, subject to the following conditions:

- 1.) Operating hours be limited to 7:00 am -8:00 pm, Monday through Saturday, with no operations allowed on Sunday or federal government holidays. ~ 2.) Parkview Road must be maintained in a condition equal to or better than conditions of a typical moderately traveled township road in Lakewood Township. Vehicle speeds must be limited to 20 mph, and road must be controlled so that no dust is emitted from the road by passing trucks. ~ 3.) Dump truck end gates must not be slammed in the discharge of materials in the pit or for any other reason. ~ 4.) No vehicles that are inoperative for more than 30 days shall be stored in the open within the boundary of the gravel pit. ~ 5.) Noise levels shall not exceed 60 decibels at the property line. ~ 6.) Screener discharge chute will be lined with rubber to mitigate noise. ~ 7.) After the ceasing of gravel pit operations, the reclamation plan shall be completed with 18 months. ~ 8.) Access to the pit be secured with gates and any necessary fencing to prevent trespass by vehicles and ATVs. ~ 9.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



City Planning Kunst Pre-App Map

Legend

Zoning Boundaries

Stream Type

- Trout Stream (GPS)
- Other Stream (GPS)

Water Distribution System

- 30 - 60" Water Pipe
- 16 - 24" Water Pipe
- 4 - 6" Water Pipe

Sanitary Sewer Collection System

- Sanitary Sewer Collector
- Sanitary Sewer Interceptor
- Sanitary Sewer Forced Main

Storage Basin

Pump Station

Gas Distribution Main

8" - 16" Gas Pipes

4" - 6" Gas Pipes

0" - 4" Gas Pipes

Storm Sewer Collection System

- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Discharge_Points

Right-of-Way Type

- Road or Alley ROW
- Vacated ROW

Easement Type

- Utility Easement
- Other Easement
- Shoreland Overlay Zone

Cold Water

Natural Environment

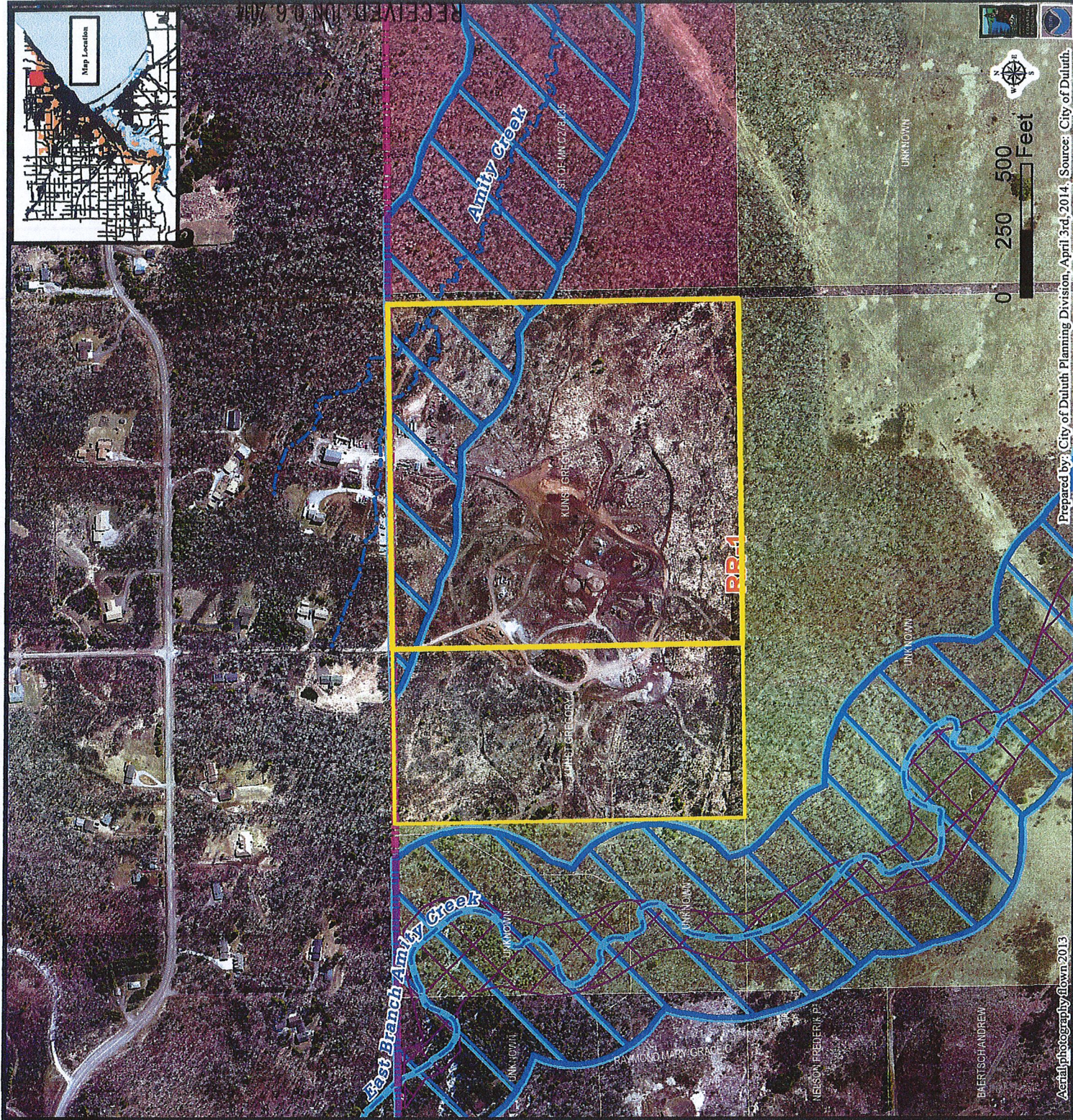
General Development

Floodplain Type

- General Flood Plain
- Flood Way
- Flood Fringe

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

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Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, April 3rd, 2014. Source: City of Duluth.



City Planning

2013 aerial photo

Site MoP

Site Boundaries

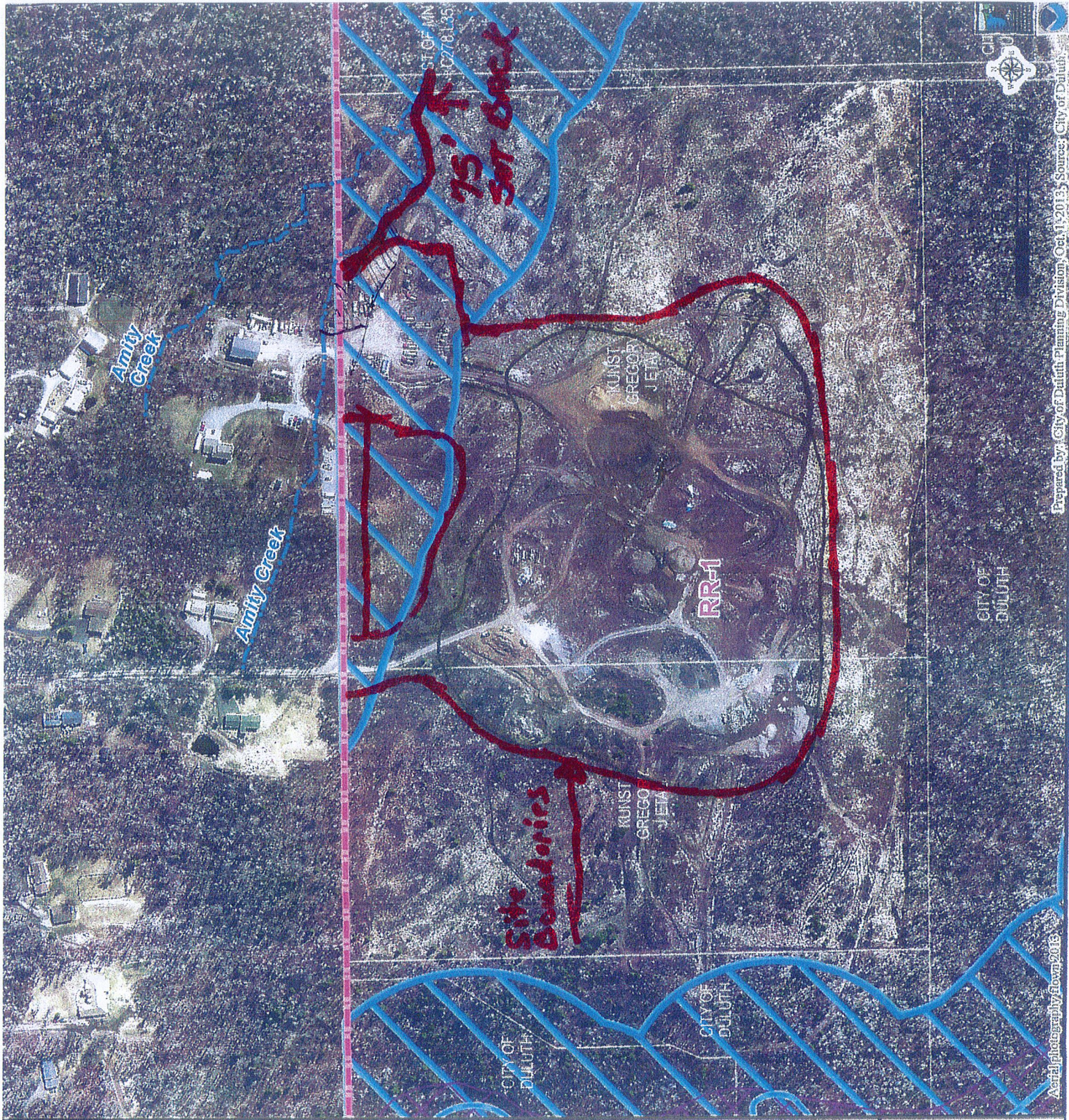
75' Stream set-back

Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Zoning (Final)
- Shoreland Overlay Zone
- Cold Water
- Natural Environment
- General Development
- Floodplain Type
- General Flood Plain
- Flood Way
- Flood Fringe

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

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Aerial photography from 2013

Prepared by: City of Duluth Planning Division, Oct. 11, 2013. Source: City of Duluth.

Description of Operation (Item # 1)

The pit is used mainly as a Storage and Recycling Area. We haul products in such as Class-5 gravel, Limestone, Pit Run gravel, Sand and Rock products. We also haul in unscreened Black dirt and Topsoil, these materials (black dirt & topsoil) are recycled by running them through a screener and sold to the public or used on our jobs.

Traffic in and out of the pit is minimal, our sand, gravel and dirt hauling is not everyday, but only when orders come in. This is not a high volume operation. Our records show we hauled in and out approximately 4 loads (average) per day, in the 7 month 2013 season.

Description of access road to public Highway - Medin Road (Item # 2)

Only Lakewood Township Roads are used to access pit. Starting at pit road, travel begins on Parkview Road (800') to Medin Road, then $\frac{3}{4}$ mile Jean Duluth Road.

Parkview Road (which is considered a private road) was used before 1976, as only access to the pit. From 1976 to 1983, three homes were built, and to this date, the pit owner has maintained the road.

There are no buildings on property.

Mining, Extraction, and Storage Guideline (Item # 3)

The proposed and existing excavation, removal, storage, and processing will not result in the creation of any hazardous sharp pits, steep banks, soil erosion, drainage or sewerage problems or other conditions that would ultimately impair the use of the property in accordance for the district;

Finished slopes in the excavated area will not exceed 1 ft. vertical rise to 2 ft. of run except in the case of dams or retention ponds (as required in SWPPP), or where specifically approved in writing by the planning commission;

No stagnant water will be present as result from such removal, excavation or processing. (Except as required in SWPPP)

No earthmoving, processing or excavating equipment or trucks that are inoperative for more than 30 days will be stored in the open of the property.

Upon completion of the excavation, processing and removal of earth materials in accordance with the approved proposed contour lines, the premises will be cleared of all debris and, unless the excavated area is beneath water, a top layer of soil that will sustain the growth of turf will be spread over the premises and will be seeded with perennial rye or grasses. See attached Estimate.

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All excavation, removal and processing, and the extent, limits, and time limits of each activity, will comply with all terms and conditions in the approved special/ interim use permit.

Evidence that requested use will not have a negative impact on the community (Item # 4)

We have sixty acres of land at the outer edge of the City limits, which was purchased in 1995. We have documents that prove this property has been used as a gravel pit since the 1930's. The previous owner had the pit permitted in 1983, 1986, & 1995, (which was valid to 1999).

From 1983 to present, the property has been used continuously as a gravel pit/gravel storage area. The site is protected from view & sound by trees & its remoteness, also sparsely populated.

Parkview Road is the only access, & has been & will continue to be maintained to, or above the quality of a Township Road.

In the 15 years, we have owned & operated the property as a gravel pit/storage area, we have had only one complaint, which was in the summer of 2013. This was regarding dust & we are currently addressing the dust control issue.

Dust Control Plan (Item # 5)

We will be controlling fugitive dust on Parkview Road with calcium chloride. The dust control plan will be to water/ calcium chloride the road in to the pit, when needed. We will be controlling the dust in the pit with water as needed. If additional dust control or dust control plan is needed we will do so.

Long Term Finishing Plan (Item # 6)

It is our intension to abandon the use of this property as a gravel, removal and storage, and screening site, within the next 20 years. At the time of abandonment of the property, we intend to develop the property into lots for housing.

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3339 Oak Street

Site Photos





Decibel levels of common noise sources

Sound pressure level (dBA)	Noise source
140 -----	Jet Engine (at 25 meters)
130 -----	Jet Aircraft (at 100 meters)
120 -----	Rock Concert
110 -----	Pneumatic Chipper
100 -----	Jackhammer (at 1 meter)
90 -----	Chainsaw, Lawn Mower (at 1 meter)
80 -----	Heavy Truck Traffic
70 -----	Business Office, Vacuum Cleaner
60 -----	Conversational Speech, Typical TV Volume
50 -----	Library
40 -----	Bedroom
30 -----	Secluded Woods
20 -----	Whisper

Figure 3

Using Decibel Measurements

Addition and subtraction of decibels is often necessary for estimating total noise levels or background noise. Because decibels are measured using a logarithmic scale, conventional linear mathematics cannot be used. The most convenient way to perform simple arithmetic functions involving logarithmic measurements is to use doubling rules. These rules provide an accurate estimate of the effect distance and multiple sources have on measured sound pressure level.

Sound propagation and sources

Sources of sound can be defined as *point* or *line* sources, based on the way sound pressure waves spread away from the source. Sound waves propagate from sources in a way similar to waves traveling away from a rock dropped in a pond. A *point* source, like a factory, emits sound that spreads out in a sphere. A *line* source, like a busy highway, emits sound that spreads out in a cylinder. Knowing the sources of sounds makes it possible to make assumptions about how the sound behaves.

Distance attenuation estimations

Over distance, sound attenuates, or is reduced in amplitude, and is perceived as the sound becoming quieter. This occurs as the sound travels outward to an increasingly larger sphere or cylinder, and the energy per unit of area decreases. These basic principles allow us to make generalized assumptions about sound.

When the distance is doubled from a *line* source, the sound level decreases three decibels.

Example: If a sound level is: 70 decibels at 50 feet it will be
67 decibels at 100 feet, and
64 decibels at 200 feet.

When the distance is doubled from a *point* source, the sound level decreases six decibels.

Example: If a sound level is: 95 decibels at 50 feet it will be
89 decibels at 100 feet, and
83 decibels at 200 feet.

Stormwater Pollution Prevention Plan (SWPPP)

Greg Kunst and Sons Trucking &
Excavating – Storage Yard
Duluth, Minnesota

SEH No. KUNST 128214

June 4, 2014



Building a Better World
for All of Us®

Engineers | Architects | Planners | Scientists

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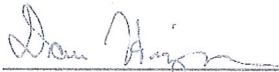
Stormwater Pollution Prevention Plan (SWPPP)

Greg Kunst and Sons Trucking & Excavating – Storage Yard
Duluth, Minnesota

SEH No. KUNST 128214

June 4, 2014

I hereby certify that this report was prepared by me or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.



Dan Hinzmann, PE

Date: June 4, 2014 Lic. No.: 49874

Report

Prepared by: Emily Erdahl
Emily Erdahl, EI

June 4, 2014
Date

Short Elliott Hendrickson Inc.
418 West Superior Street
Duluth, MN 55802-1512
218.279.3000

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Figure 2 – Web Soil Survey Results

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Stormwater Pollution Prevention Plan (SWPPP)

Greg Kunst and Sons Trucking & Excavating – Storage Yard

Prepared for Greg Kunst and Sons Trucking & Excavating

1.0 Introduction

Greg Kunst and Sons Trucking & Excavating is a family owned and operated company that has been serving Duluth and surrounding areas since 1975. The Kunst family owns and operates their facility, located off Oak Street on the Duluth and Lakewood Township border, with property limits enclosing both entities. Recently, the City of Duluth reached out to Mr. Kunst and asked him to begin a formal stormwater permitting process to ensure that his operation is not discharging water that would cause adverse effects on surrounding areas.

Initially, it was thought that the Kunst site may fall under the jurisdiction of an MPCA Industrial Stormwater Permit. SEH contacted Melissa Wenzel, Industrial Stormwater Specialist with the MPCA and informed her of the typical site operations and conditions. Based on the description of activities, Melissa concluded that the Kunst operations would be classified as a trucking operation, and the area where materials are stored would not fall under the jurisdiction of an MPCA industrial permit, or that of a construction activities permit. She determined that due to the minor amount of material removed from the site, the site does not fit the applicability of a non-mineral mining permit. Therefore, all stormwater permitting will be handled through the local unit of government.

2.0 Existing & Proposed Conditions

2.1 Existing Conditions

The Kunst facility can be characterized as a material staging area with the topography sloping to the east, excluding the east side of the site which slopes inwards toward East Amity Creek. Existing runoff drains overland to the existing ditches, before eventually draining off-site to a tributary of Amity Creek. Materials staged in this area include rock, sand, dirt, bituminous material, landscaping materials, construction materials, and others. The area is also used for topsoil screening and storage.

Site soil conditions include Cuttre complex, Amnicon-Fluvaquents, Miskoako-Fluvaquents, Hegberg-Eldea and gravel pits (hydrologic soil group D/B), as provided by the USDA Web Soil Survey, shown in Figure 2 – Web Soil Survey Results. Receiving waters in the project area include East Amity Creek, which runs along the east side of the site and a tributary to

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Amity Creek, which runs along the west side of the site. Amity Creek and its tributaries are DNR denoted Trout Streams.

The site contains a number of stormwater Best Management Practices (BMPs) already in place at the downstream area of the site. The first BMP on-site consists of vegetated grass buffers which exist around the stockpiles wherever possible due to operational constraints. Additionally, the site generally collects stormwater before leaving the site through a series of ditches and culverts and this stormwater is directed to a retention pond with a permanent pool and outlet pipe (allowing for sedimentation to occur). Finally, downstream of the pond site there exists two rock check structures in the ditch between the site and tributary to Amity Creek.

The primary possible sources of pollution on-site include erosion and sediment transport from material stockpiles. Additional possible sources of pollution include spills as a result of trucks and equipment operating on-site to load and transport materials.

The existing conditions can be seen in Figure 1 – Site Layout.

2.2 Proposed Improvements

Based on review of existing site conditions and the existing BMPs, stormwater is being treated to an acceptable level in the existing condition. This assumes that the existing BMPs are properly maintained and inspected to ensure that they are functioning efficiently as intended. The efficiency of the system was not modeled using any stormwater quality modeling software. Should the discharge from the site be observed to be non-compliant ("dirty"), the stormwater treatment pond could be modified by expanding the surface area to increase efficiency. Additionally, the outlet of the pond could be modified to limit the outflow rate.

3.0 Operation & Maintenance

The Owner will be responsible for the operation and maintenance of all stormwater features and BMPs. The operation and maintenance of this site includes regular stormwater inspections, removal of existing sediment in ditches and ponds, maintenance of existing rock checks, and incorporating a spill prevention and containment plan on-site.

The site should be inspected weekly identifying any possible stormwater concerns. Additionally, the site should be inspected within 24 hours of any rainfall event of greater than one-half inch (0.5"). Any concerns identified from these inspections should be resolved within seven (7) days. A record should be kept of all stormwater inspections including the date, the areas of the site that were inspected, any stormwater concerns identified, and the resolution of previously identified stormwater concerns.

Sediment must be removed periodically as it builds up within the site ditches and ponds. The sediment will be able to be removed using the equipment which is regularly on-site. The sediment will be placed on-site and vegetated immediately to prevent runoff and premature sedimentation of the features. This sediment should be removed as needed to allow for effective stormwater conveyance and treatment.

The rock checks on-site may require maintenance if they become plugged or damaged. The maintenance would include removing the sediment, repairing the rock check, or replacing the rock check entirely as needed.

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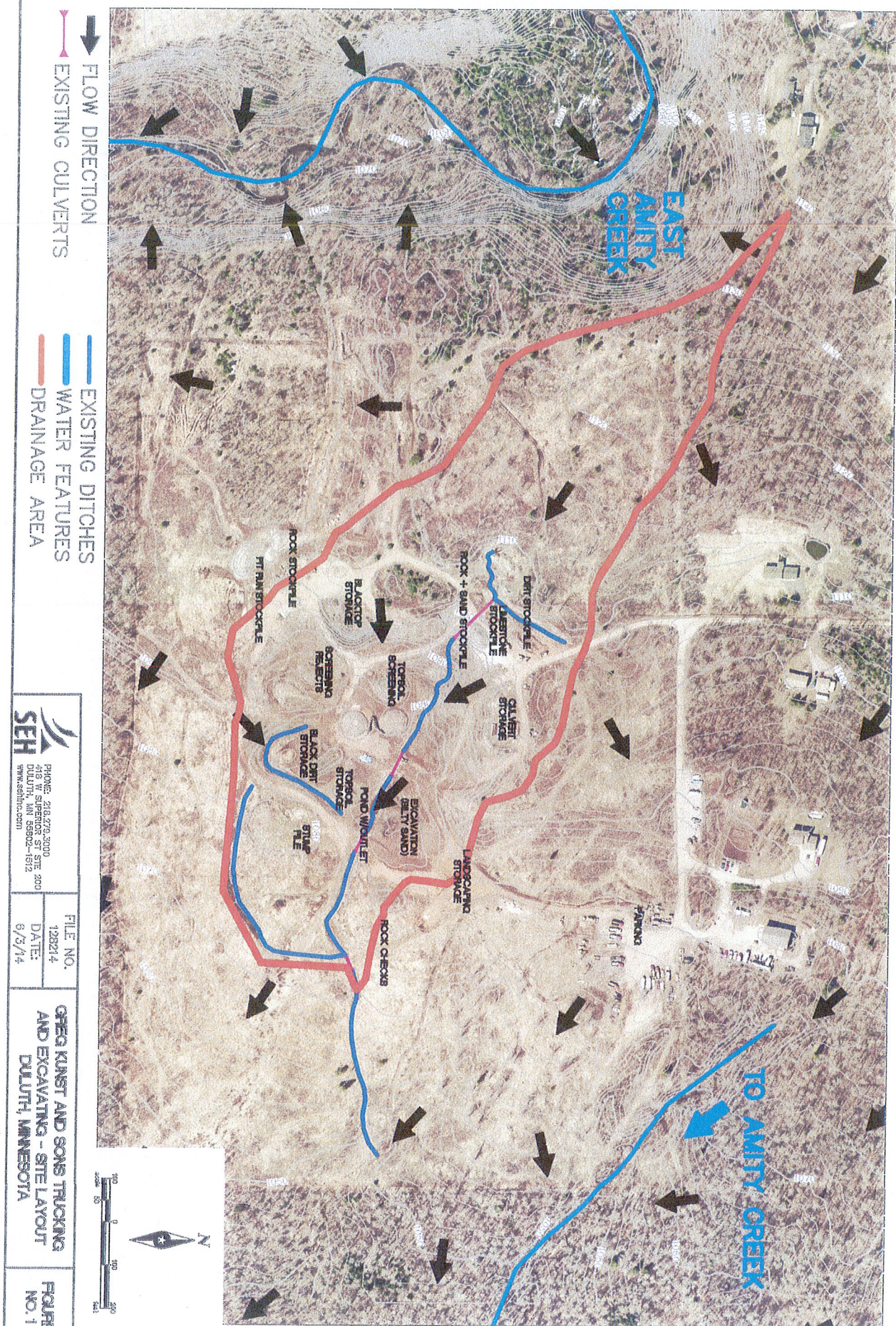
A Spill Prevention and Containment Plan should be put into service at the site for any equipment entering or exiting the site. This plan should cover all refueling and vehicle maintenance operations, emergency contacts, spill response procedures, and employee training to be sure the spill plan is effectively utilized.

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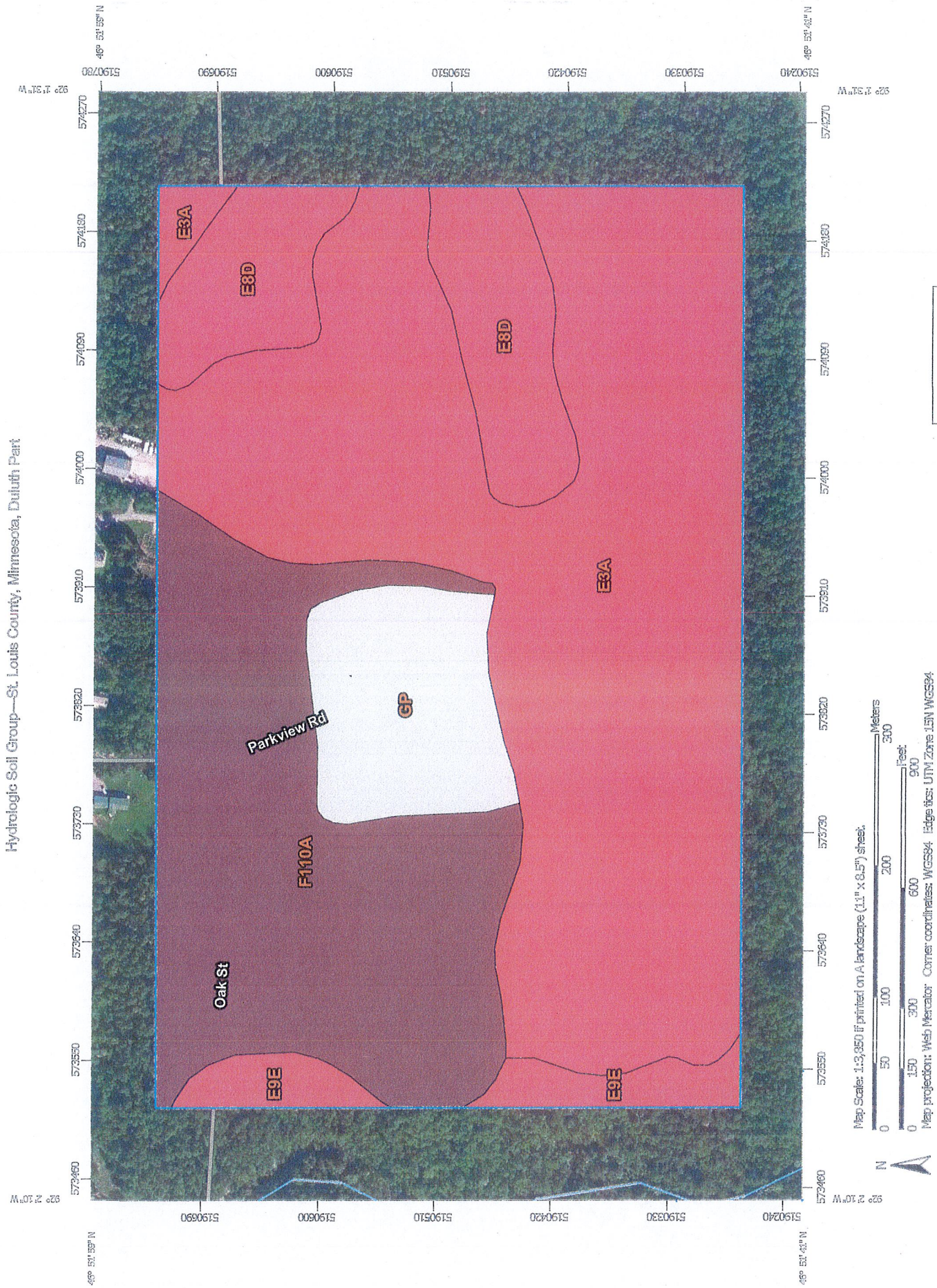
List of Figures

Figure 1 – Site Layout and Drainage Patterns

Figure 2 – Web Soil Survey Results



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Hydrologic Soil Group—St. Louis County, Minnesota, Duluth Part

Figure 2

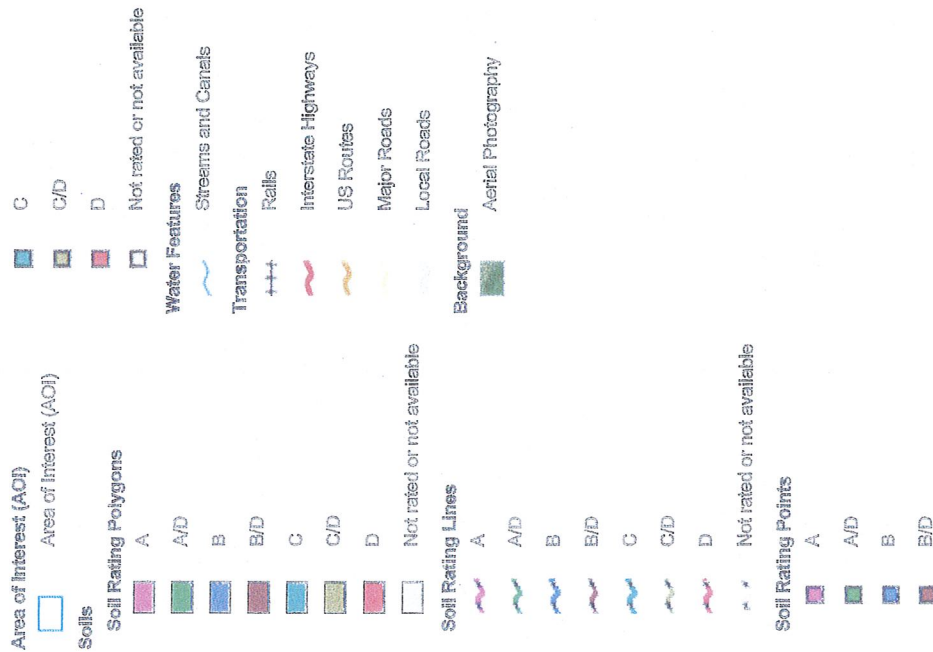
Web Soil Survey
National Cooperative Soil Survey

Natural Resources
Conservation Service



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MAP LEGEND



MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: St. Louis County, Minnesota, Duluth Part
Survey Area Data: Version 8, Nov 14, 2013

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 6, 2011—Oct 20, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Hydrologic Soil Group— Summary by Map Unit — St. Louis County, Minnesota, Duluth Part (MN615)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
E3A	Cutire complex, 0 to 3 percent slopes	D	41.0	52.1%
E8D	Amnicon-Fluvaquents, frequently flooded, complex, 0 to 18 percent slopes	D	8.1	10.3%
E9E	Miskoaki-Fluvaquents, frequently flooded, complex, 0 to 45 percent slopes	D	2.9	3.7%
F110A	Hegberg-Eldes complex, 0 to 3 percent slopes	B/D	20.6	26.1%
GP	Pits, gravel-Udipsamments complex		6.2	7.8%
Totals for Area of Interest			78.7	100.0%

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Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

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Greg Kunst & Sons
Trucking and Excavating, Inc.
3339 Oak St.
Duluth, MN 55804

Estimate

Date	Estimate #
6/2/2014	36

Name / Address
Greg Kunst 3339 Oak St. Duluth, MN 55804

Project

Pit Closer/ Grading & Seeding

Description	Qty	Rate	Total
Gravel Pit Grading, Topsoil Spreading, Seeding and Mulching		0.00	0.00
Grade all Slopes in Excavated area of Pit (approximately 3 to 1 slope)		4,000.00	4,000.00
Deliver and Spread Top-soil over Disturbed Area (approximately 400 yards)		3,600.00	3,600.00
Revegetate Disturbed area in pit (apply seed and mulch)		1,850.00	1,850.00
Total			\$9,450.00

ANY PERSON OR COMPANY SUPPLYING LABOR OR MATERIALS FOR THIS IMPROVEMENT TO YOUR PROPERTY MAY FILE A LIEN AGAINST YOUR PROPERTY IF THAT PERSON OR COMPANY IS NOT PAID FOR THE CONTRIBUTIONS.

UNDER MINNESOTA LAW, YOU HAVE THE RIGHT TO PAY PERSONS WHO SUPPLIED LABOR OR MATERIALS FOR THIS IMPROVEMENT DIRECTLY AND DEDUCT THIS AMOUNT FROM OUR CONTRACT PRICE, OR WITHHOLD THE AMOUNT DUE THEM FROM US UNTIL 120 DAYS AFTER COMPLETION OF THE IMPROVEMENT UNLESS WE GIVE YOU A LIEN WAIVER SIGNED BY PERSONS WHO SUPPLIED ANY LABOR OR MATERIALS FOR THE IMPROVEMENT AND WHO GAVE YOU TIMELY NOTICE.

This quote is valid for 30 days.
PAYMENT TERMS: 1/3 of balance due upon acceptance of proposal, and remaining balance due on same day of job completion. Balance beyond 30 days will be subject to a 1.5% finance charge. (unless other payment arrangements are agreed upon before acceptance).

ACCEPTANCE OF PROPOSAL- The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.

Signature

Phone #	Fax #	E-mail	Web Site
218-525-4301	218-525-0218	danny@gregkunstandsons.com	www.gregkunstandsons.com

RECEIVED JUN 06 2014

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Kyle Deming

From: ~~XXXXXXXXXXXXXXXXXXXX~~
Sent: Sunday, March 30, 2014 1:31 PM
To: Kyle Deming
Subject: Gunst pit

Hi Kyle. Here are some of the issues I have with the Gunst pit operation along with others already given.

1. Access road to pit substandard, heavy dust, noise, and smell of diesel exhaust, as equipment passes. I am of close proximity to Parkview Rd. as business vehicles pass my property, they leave dust on my home and personal property outside. I, at times, have to leave the area, so as not to breathe the dust. Excessive speed also of business vehicles on Parkview Rd.
2. Pit used for recreation, dune buggy's, 4 wheelers and dirt bikes all extremely loud.
3. Pit noise all day and into late evening 7 days a week with heavy equipment and back up peepers.
4. Hauling snow late at night even after midnight , tail gates slamming, waking me in my home.
5. Employees leaving dogs at business during work times. Dogs barking all day.
6. Conversation with neighbors also have stated to me some of the same concerns.
7. Very worried about the quality of our life here and how this business is affecting my property value.

From: Roger Johnson [<mailto:rcjohnson55@msn.com>]

Sent: Friday, June 27, 2014 6:17 AM

To: Kyle Deming

Subject: RE: voice mail

Kyle,

Yes I would like to include the situation I told you about recently about how the company owner Greg Kunst has stopped his vehicle and stared at me without speaking then driving away, near my property. Also how he followed me from my home to my place of employment and shook his finger at me then drove away. These actions forced me to file a harassment complaint with the court. I know longer feel safe on my own property. I made 911 calls after both events happened. I feel this all has to do with my complaining about his business operation with the City of Duluth. I will be asking people with knowledge of these events what I should do to protect myself. Should I also be contacting the Duluth city attorney? Please let me know soon.

Roger and Cindy Johnson

SE-3

Jennifer Moses

From: Al Eastman <alvabe5500@gmail.com>
Sent: Wednesday, June 25, 2014 8:52 PM
To: Jennifer Moses
Subject: Special use permit for Greg Kunst and Sons

Jenn Reed Moses Planner II

As we discussed on Tuesday June 24, 2014 I support the special use permit applied for by Greg Kunst and Sons. My family and I have lived near the Kunst property for over 20 years on Medin road and have never had a problem with the Kunst operation.

I have worked for Lakewood Township as the Zoning Administrator and have been a member of the Lakewood Planning and Zoning Commission, twice elected as Chairman. I do not recall a single complaint regarding the Kunst operation during this time.

Our family believes the special use permit should be granted to Greg Kunst and Sons with reasonable limits as allowed. Please forward this to the Duluth Planning Commission. Thanks.

Al Eastman
3433 Medin Road
Duluth MN 55804
218-525-2245